

REMARKS

Applicant acknowledges receipt of a Final Office Action dated September 21, 2007. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

I. Status of the Claims.

Following the foregoing amendments to the claims, claims 13, 20 and 23-32 are pending, with claims 13, 23, 25, and 31 being independent. Claims 1-12, 14-19, 21 and 22 are canceled without prejudice or disclaimer.

Claims 13, 20, 23 and 24 have been amended. The amendments to claims 20 and 23 have been made to better conform to U.S. practice. The amendments to claim 13 and 23 are supported by the specification at page 10, lines 25-26; and page 33, line 35 to page 36, line 5.

Claims 25-32 are new. New claims 25-32 reflect the previously pending claims 13-24, but additionally specify the sequence of the monoclonal antibody, as supported by the specification at page 14, lines 4-11.

Accordingly, the amendments and new claims do not introduce new matter.

II. Objection Under 37 C.F.R. § 1.142

On page 2 of the Office Action, the PTO has objected to claim 14 as being drawn to a non-elected species. Claim 14 has been canceled, rendering moot the objection.

III. Rejections Under 35 U.S.C. § 103

On page 2, the PTO has maintained the rejection of claims 13 and 15-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,298,420 to Chang (hereinafter “Chang”) in view of Goto *et al.* (hereinafter “Goto”). Applicant respectfully traverses for reasons of record, in view of the presently pending claims. Neither Goto nor Chang disclose, teach, or enable, the presently claimed monoclonal antibodies, which provide unexpected advantages. Such unexpected advantages make these antibodies surprisingly suitable for the claimed method, which is not disclosed, taught, or enabled by Goto or Chang. Since neither reference provides all elements, the combination of references cannot render obvious the

presently claimed invention. Applicant respectfully requests reconsideration and withdrawal of the rejection.

IV. Rejections Under 35 U.S.C. § 112

On page 3, the PTO has maintained the rejection of claims 13 and 15-24 under the enablement and written description provisions of 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses in view of the remarks of record, as applied to the presently pending claims.

The enablement rejection is based on the assertion that binding to T-lymphocytes is unsupported by the present specification. This rejection is rendered moot by cancellation of subject matter directed to T-lymphocyte-binding, and recitation in the amended claims that the antibody binds B-cells.

The written description rejection is based on the assertion that the specification does not provide support for a method of inhibiting activated lymphocytes. Applicant traverses. As noted in the specification at page 21, lines 22-32, B-cells may be activated by mitogen and respond by producing antibodies. Example 2 (pages 28-30) shows that antibody production by mitogen-activated cells is inhibited by the monoclonal antibody claimed herein. For example, at page 30, lines 15-20, the specification states:

It was revealed, as shown in Fig. 1, that stimulation by SAC resulted in enhanced IgG production and that the addition of control mouse IgG2a thereto did not cause any changes.

However, the addition of 20 µg/ml of anti-HM1.24 antibody completely inhibited IgG production.

Applicant respectfully believes that this description supports a method of inhibiting the activity of activated lymphocytes, as presently claimed, and the accompanying method of treatment. Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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